

EXHIBIT D



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SENT VIA ELECTRONIC MAIL

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February 1, 2022

Re: *Fusion Elite All Stars, et al. v. Varsity Brands, LLC, et al.*

Dear Counsel,

We write to follow up on Varsity Brands, LLC's and Varsity Spirit, LLC's ("Varsity's") data production, with certain questions raised by Varsity's data.

Global:

1. Please describe which combination of datasets represents *all* Varsity-brand events for seasons 2011 through 2020. Please confirm these are exclusively Varsity-brand events, and not events co-produced by any other event producer.
 - a. Alternatively, please confirm that the AS400, Nationals, and SFDC tabs of VAR00439289-92 and VAR00010122-27 reflect all Varsity-brand events for seasons 2011 through 2020.
2. The rebate database provided at VAR00352214 includes over 80 gyms with a "customer number" not reflected in the AS400, Nationals, and/or SFDC event datasets. For



Steven J. Kaiser, Esq.
 February 1, 2022
 Page 2

example, customer number 34943671 (“United Cheer Arlington”) appears in VAR00352214 with 17 associated events across seasons 2013-2014 through 2015-2016, but never appears in the AS400, Nationals, and/or SFDC datasets. Please explain such discrepancies.

3. Plaintiffs have been able to determine the meanings of only some of Varsity’s brand codes. Please define the levels of the “brand” and “brand code” fields that are not defined below, i.e. ACA.

AB: America’s Best	DF: DanceFest	PAC
AC: The American Championships	EB	PMR: Premier
ACA	EN: Encore	PW: PacWest
ACDA: American Cheer and Dance	EPIC: EPIC	QUE: The Quest
ACP: Cheer Power	FTP	SC: Spirit Cheer
AIA	GHSA	SCB: Spirit Celebration
ALO: Aloha	GLCC	SCHSL
ASC: All Star Challenge	GRV: Groove	SF: Spirit Festival
ASCS: All Star Championships	GSSA	SS: Spirit Sports
ATC:	ICU	STS: Sea to Sky
ATH: Athletic	JD: Just Dance	SU: Spirit Unlimited
CAC: Coastal	JF: JAMfest	SUM: The Summit
CCD: Champion Cheer and Dance	KSHSAA	TC: Triple Crown
CIF	LHSAA	UCA
CL: Cheer LTD	LIVE	UCA/UDA
CLB: Cheerlebrity	MAC	UDA
COA	MGS: Mardi Gras	UIL
CS: Cheersport	NC: Nation’s Choice	US: Universal Spirit
CSG: Champion Spirit Group	NCA	USA
DDC: Double Down	NCA/NDA	USASF
	NCCCA: Varsity Spirit	USE: US Finals
	NCHSAA	VAR: Varsity Spirit
	NDA	VB
	OM	VBI
	OSSAA	
	OU: One Up	



Steven J. Kaiser, Esq.
February 1, 2022
Page 3

VCS: Virtual
Competition Series

WSF
WVSSAC

XPB: Spirit Xpress

VAR00439289-90, 92 (AS400 tabs of Excel files):

1. Please confirm these data ("AS400" datasets) are available for 2011-2013 only, with respect to All Star competition data, and that they represent *all* non-nationals events for 2011-2013. We understand that All Star competition data moved to Salesforce in the Fall of 2012.
2. Please provide the "event name" field, set forth in the sample Varsity provided during our data negotiations, or a way to match the fields "session name" and/or "event code" to an event title such as those that appear in the other event datasets (e.g., SFDC, Nationals tabs of same Excel file group).
3. Please confirm that the following levels of the field "competition class" have the same meaning as those provided with respect to the "championship class" field and please define the value "DD."
CH-Cheer
DA-Dance
DD-Please define.
SL-Song Leader
4. Varsity previously advised that the "participants" field refers to the number of athletes on the invoice, and the "sponsors" field refers to the number of coaches on the invoice. Please describe how to distribute the figures given in the fields registration2, cancellation fees, nsf, discount, and net revenue between the "participant" and "sponsor" categories.
5. What is the meaning of an entry where the participants field is equal to 0?
6. We understand, from our prior discussions that there is no event location information in AS400. However, Varsity has stated "[w]e do think it is generally possible to provide the location of the competitions." See March 9, 2021 Email from Kaiser to Sims and Bosco. We request that Varsity do so.

VAR0043989-92, VAR00010122-23 (Nationals tabs of Excel files):

1. Please confirm these data are available for 2011-2016 only and represent *all* national events for 2011-2016.
2. Please provide the event name, or a way to match the fields "session name" and/or "event code" to an event title such as those that appear in the other event datasets (e.g., SFDC data).



Steven J. Kaiser, Esq.

February 1, 2022

Page 4

3. Please define the following levels of the field "championship type":
KB
SM
4. We understand that the "family" field refers to the number of family members on the invoice, when a family is purchasing a package, the "participants" field refers to the number of athletes on the invoice, the "sponsors" field refers to the number of coaches on the invoice. Please describe how to distribute the figures given in the following fields between those three categories: 1) total invoice, 2) cancellation fees, 3) discount, 4) discount2, 5) discount3, and 6) net revenue.
5. What is the meaning of an entry where the participants field is equal to 0?
6. We understand, from our prior discussions that there is no event location information for this dataset. However, Varsity has stated "[w]e do think it is generally possible to provide the location of the competitions." *See* March 9, 2021 Email from Kaiser to Sims and Bosco. We request that Varsity do so.
7. Please describe the difference between discount, discount2, and discount3.
8. Please explain why there are multiple entries per gym per event.

VAR0043989-91, VAR00010122-27 (SFDC tabs of Excel files):

1. Please describe the overlap between the entries with registration record type equal to "Nationals," described above and the Nationals dataset in the Nationals tabs in VAR0043989-92, VAR00010122-23, and whether these datasets contain duplicative data.
2. Please confirm that these data represent *all* non-Nationals events for 2012-2020 and *all* nationals events for 2017-2020.
3. We understand, from our prior discussions that there is no event location information in Salesforce. However, Varsity has stated "[w]e do think it is generally possible to provide the location of the competitions." *See* March 9, 2021 Email from Kaiser to Sims and Bosco. We request that Varsity do so.
4. Please define the field "opportunity Varsity Family Plan."

VAR00352085-86, VAR00117735-40 (General Ledger):

1. We understand that the General Ledger is available for 2013-2020 only, and not for 2011-2012. Please advise if that understanding is not correct.
2. Please define the levels of the field "account description," "header description," and/or "journal line description" that correspond to spectator ticket sales.



Steven J. Kaiser, Esq.

February 1, 2022

Page 5

3. We understand that spectator fee information is often available only on an event level. Please advise whether there is any way to identify the number of tickets sold per event and whether that information may be determined from any of the other datasets provided. We have located other Varsity documents containing information about the number of spectator tickets sold at certain events, e.g. VAR00117699-734. Please advise whether a full set of these documents is available or if Varsity has produced all such documents that it possesses.
4. Please confirm that the General Ledger reflects *all* events, including end-of-season Championship events (e.g. The Summit), for 2013-2020.

VAR00352199-202 (individual packages):

1. Please confirm these data are not available prior to 2017.
2. Please confirm that these data represent *all* individual Varsity Championship event package purchases between 2017 - 2020.

VAR00352218-25 (Team-Level Data):

1. Please describe the universe of events represented in these data, namely whether this data includes *all* events between 2013 – 2020.
2. Please describe how to interpret entries where "total participants" is minimal (e.g. 0 or 1).
3. Please explain how to distribute the figures in the field team price between total participants and total alternates. Alternatively, please confirm that the price is the same for both participants and alternates.

VAR00452004-06 (Worlds data for 2017-2019):

1. Please describe how to interpret entries where "total participants" is minimal (e.g. 0 or 1) (represents 90% of data).
2. Please define the levels of the field "registration type":
Family
Squad
Tickets
3. Please describe how to break down the "package total" price between participants, coaches, mascots, and other.



Steven J. Kaiser, Esq.

February 1, 2022

Page 6

4. Please define the levels of the field "status:"
Approved
Cancelled
5. Please define the levels of the field "session name:"
ROS Worlds
TIX Worlds
6. For registration type "Tickets," please describe how to determine the number of tickets sold.

VAR00452001-03 (Worlds data for 2014-2016):

1. Please confirm these data correspond to the "Cheerleading & Dance Worlds" event only and that these data reflect *all* entries into this event from 2014-2016.
2. Please describe how to interpret entries where "total participants" is minimal (e.g. 0 or 1) (represents 55% of data).
3. Please define the levels of "customer type" that are not defined below:
AS-All Star
CO-College
DN
DS-Dance Studio
HS-High School
IN
IO
YG-Youth Group
4. Please confirm that the fields "participants," "sponsors," and "family" have the same definitions in this dataset as set forth above.
5. Please explain how to distribute "total invoice," "discount," "discount2," and "discount3" between participants, sponsors, and family.
6. Please describe the difference between "discount," "discount2," and "discount3."

VAR00462068:

1. Please confirm that these data represent *all* Worlds event bids at Varsity events from 2016 - 2020. Please confirm that these data are not available prior to 2016.
2. Please define the levels of "qualification type":
At Large Bid
Full Paid Bid
Partial Paid Bid



Steven J. Kaiser, Esq.
February 1, 2022
Page 7

3. Please define the fields “competition division name,” and “division rank.”

VAR00462069:

1. Please describe the contents of this file.
2. Several of the “event name” values appear to be locations. Please confirm that this field is appropriately specified.

Event Name
ANAHEIM CONVENTION CENTER
ANAHEIM CONVENTION CENTER
COLLEGIATE CHAMPIONSHIPS
ANAHEIM CONVENTION CENTER
ANAHEIM CONVENTION CENTER
ANAHEIM CONVENTION CENTER
ANAHEIM CONVENTION CENTER
ANAHEIM CONVENTION CENTER
ANAHEIM CONVENTION CENTER
ANAHEIM CONVENTION CENTER
ANAHEIM CONVENTION CENTER
ANAHEIM CONVENTION CENTER
JR. NATIONALS
JR. NATIONALS
DISNEYLAND RESORT
DISNEYLAND RESORT
DISNEYLAND RESORT
DISNEYLAND RESORT
DISNEYLAND RESORT
KNOTT'S BERRY FARM RESORT

VAR00462070:

1. Please describe the contents of this file. Please advise whether this is data for scholastic competitions.
2. Most observations appear to be duplicates. For every event with the same name, the date is the same. Please confirm that these observations are meant to be duplicated, that the “event start date” field is not incorrectly specified, and there is not a missing field that differentiates the observations. Or, if these are not intended to be duplicates, please confirm that they are missing the event name, which would be located in the session name field.



Steven J. Kaiser, Esq.
February 1, 2022
Page 8

	A	B	C	D	E	F	G	H
1	Brand	Event Start Date	Session Name	Location	Location City	Location State	Location	Event Name
2	AC	20110319	AMER CHAL DA AC	INDIANA CC	INDIANAPOLIS	IN	46225	THE AMERICAN CHALLENGE
3	AC	20110319	AMER CHAL DA AC	INDIANA CC	INDIANAPOLIS	IN	46225	THE AMERICAN CHALLENGE
4	AC	20110319	AMER CHAL DA AC	INDIANA CC	INDIANAPOLIS	IN	46225	THE AMERICAN CHALLENGE
5	AC	20110319	AMER CHAL DA AC	INDIANA CC	INDIANAPOLIS	IN	46225	THE AMERICAN CHALLENGE

VAR00462071:

1. Please describe the contents of this file. Please advise whether this is data for scholastic competitions.
2. Most observations appear to be duplicates. Please confirm that these observations are meant to be duplicated, that the “event start date” field is not incorrectly specified, and that there is not a missing field that differentiates the observations. Or, if these are not intended to be duplicates, please confirm that they are missing the event name, which would be located in the session name field.

8245	The American Northwest DI & DII	Oregon Convention Center	Oregon Convention Center	Portland	OR	97232	12/7/2019
8246	The American Northwest DI & DII	Oregon Convention Center	Oregon Convention Center	Portland	OR	97232	12/7/2019
8247	The American Northwest DI & DII	Oregon Convention Center	Oregon Convention Center	Portland	OR	97232	12/7/2019
8248	The American Northwest DI & DII	Oregon Convention Center	Oregon Convention Center	Portland	OR	97232	12/7/2019
8249	The American Northwest DI & DII	Oregon Convention Center	Oregon Convention Center	Portland	OR	97232	12/7/2019
8250	The American Northwest DI & DII	Oregon Convention Center	Oregon Convention Center	Portland	OR	97232	12/7/2019

VAR00462072:

1. Please describe the contents of this file. Is this the same data as VAR00462071 and VAR00462070, but correctly specified?
2. Please define the levels of “status:”
Active
Cancelled
Suspended

Finally, for Worlds bids events VAR00462068-72 please confirm that all listed events are Varsity-brand events. If they are not all Varsity events, please identify which are.

Competitor-Tracking Data

Yesterday, Varsity produced competitor-tracking data for the December 6, 2014-March 8, 2020 time period. Plaintiffs request that this data be produced back to January 1, 2011 and up to June 30, 2020.



Steven J. Kaiser, Esq.
February 1, 2022
Page 9

Please provide a substantive response by February 15, 2022. In the alternative, please provide a Varsity employee who is knowledgeable about Varsity's AS400 and Salesforce data, to provide responses to above questions on a call.

Thank you,

/s/ Victoria Sims
Victoria Sims

Cc: Adam Baldrige
Matthew Mulqueen
George Cary
Alexis Collins
Nicole Berkowitz
Grady Garrison
Katherine Van Dyck
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